

REMARKS

The Applicant appreciates the diligence displayed by the Patent Office in examining the present application seven times,* while apparently performing at least five searches in the process. In fact, it appears that the latest search and examination was completely redundant and unnecessary. The reference cited in the present Office Action, US 6,542,489 B1, is simply the U.S. counterpart to EP 0 869 688 A2, which seven years ago was provided to the Patent Office by the Applicant when the original application was filed. Examiner Hashem, the previous examiner on this case, indicated that this reference was considered over three years ago, on October 2, 2007.

In any case, the pending rejections are once again in error, and should be withdrawn. Indeed, because of the striking lack of support for the independent claim rejections, and because some of the rejections are without any evidentiary basis whatsoever, the rejections in this latest Office Action appear to be arbitrary and capricious. Given the repeated examination of the pending claims and the repeated withdrawals of groundless rejections over a period of seven years since the filing of the present application, the Applicant submits that the patentability of the pending claims is abundantly clear and that the claims should be immediately allowed.

Claims 1-9 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Kari (US 6,542,489 B1). These rejections are in error for at least two reasons. First, Kari does not disclose "associating each of [] first and second subscribers with [a] corresponding type of terminal," where a first type of terminal comprises functionality for client-based retrieval of data objects while a second type relies on functionality in the network to provide for data object

* In previous Office Actions, the claims have been rejected over Minborg (US 6,977,909); Burger (US 6,353,660); Grunsted (US 6,192,123) in view of Pernu (US 6,978,005); Grunsted alone; Asthana (US 2009/0106380); and Kolsky (US 2002/0022485). All of these rejections were withdrawn by the Office.

retrieval. Second, Kari does not disclose "selectively providing data object retrieval only to subscribers associated with network type terminals," in response to triggering events.

The MPEP is quite clear that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131, quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Here, most of the features of the claims are completely absent from the reference, and the rejections should be withdrawn.

Kari does not disclose "associating each of first and second subscribers with a corresponding type of terminal."

Claim 1 recites a method that includes "associating each of [] first and second subscribers with [a] corresponding type of terminal," where a first type of terminal comprises functionality for client-based retrieval of data objects while a second type relies on functionality in the network to provide for data object retrieval. Independent claim 9, directed to an apparatus generally corresponding to the method of claim 1, includes a similar feature.

The Office Action asserts that this "associating" feature can be found in Kari, citing in support Kari's Figures 1 and 2, column 2 lines 13-40, and column 4 line 66 - column 5 line 14. The Applicant can find no hint of the associating feature in these paragraphs or elsewhere in Kari.[†] For this reason alone, all of the pending rejections are in error and should be withdrawn.

[†] The Applicant is mindful of the examiner's admonishment, in the pending Office Action, that specific citations are for the Applicant's "convenience," and that the entire reference should be considered. However, 37 CFR § 1.104(c)(2) states that: "When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, *must be clearly explained* and each rejected claim specified." (See also MPEP § 706: "... the goal of examination is to clearly articulate any rejection early in the prosecution process ...") In the present case, the undersigned has considered

The claim clearly recites that a distinction is made between two different types of terminals, having different capabilities with respect to retrieval of data objects. The claim further specifically recites that each subscriber is associated with one of the two types of terminals. Kari discloses nothing remotely resembling the claimed features. Kari's Figure 1 illustrates a network containing various types of user devices, but does not provide any details regarding the capabilities of any of those devices with respect to data object retrieval. Kari's Figure 2 illustrates a flow chart of a process for retrieving data using "CLIP" information (caller ID information), but again provides no details regarding the capabilities of any device with respect to data object retrieval, and does not disclose or suggest any association operation in which subscribers are matched to devices of a particular type. Similarly, Kari's column 2 lines 13-40 simply summarize the same procedure illustrated in Figure 2 - again, nothing is disclosed regarding any distinction between device capabilities with respect to data object retrieval, and nothing is disclosed regarding any association operation in which subscribers are matched to devices of a particular type.

Kari's column 4 line 66 - column 5 line 14 simply discloses the transmission of CLIP information to a telephone, and notes that "if the telephone is, e.g., an ISDN telephone equipped with a display, the telephone number of the [calling] mobile station is normally displayed on a display of the telephone." This portion of Kari also notes that a computer can be connected to the telephone, to provide "an opportunity to present other information." However, still nothing is disclosed regarding any distinction between different types of devices, with respect to their capabilities to retrieve data objects. Further, the "associating" feature of claim 1, in which subscribers are associated with corresponding types of terminals, is not remotely suggested.

the entirety of the reference, to the extent practical, and submits that the pertinence of the reference to the specific limitations of the pending claims is not apparent.

The cited portions of Kari include no discussion regarding identifying specific types of terminals and associating each of several subscribers with a corresponding type of terminal. Indeed, Applicant can discern no support at all for the Office Action's finding that the "associating" feature of the claims is disclosed by Kari, in the cited sections or elsewhere. Since the Office Action's finding with regards to the "associating" feature of the claims is baseless, the rejections of claims 1-9 are in error and should be immediately withdrawn.

Kari does not disclose "selectively providing data object retrieval only to subscribers associated with network type terminals."

The method of claim 1 further includes "selectively providing data object retrieval only to subscribers associated with network type terminals," in response to the detected triggering events. Independent claim 9 has a similar feature. Again, the Office Action alleges that this feature of the claims is found in Kari, this time citing Figure 2's "phase 39" and column 6 lines 29-41 in support. Again, the Office Action is in error.

Phase 39 of Kari's Figure 2 reads, in its entirety: "SUBSCRIBER B DISPLAYS THE SERVICE PAGE IT HAS RETRIEVED, ON THE DISPLAY OF A TERMINAL." It is clear on its face that this illustrated step has nothing do with "selectively providing data object retrieval only to subscribers associated with network type terminals." There is nothing "selective" about the step at all, and it is not about the retrieval of data objects at all. Rather, phase 39 of Figure 2 simply illustrates the display of a service page on a terminal's display. The cited portion of Kari's description (col. 6, lines 29-41) also discusses only the display of the information retrieved from a server, and clearly does not disclose "selectively providing data object retrieval only to subscribers associated with" a particular type of terminal.

Kari's Figure 2 does disclose one selective operation: if a server's database includes an internet address corresponding to submitted CLIP information, then that address is forwarded to

a subscriber. (Kari Fig. 2, phases 34, 37.) If the internet address does not exist, then a message "SERVICE PAGE UNAVAILABLE" is displayed on the subscriber's terminal, instead. (Kari Fig. 2, phases 34, 35.) However, these steps have nothing to do with the type of terminals involved, and are not based on the association of a particular type of subscriber to a particular type of terminal. Rather, these steps are based simply on whether a server's database is equipped with information (an internet address) related to a particular caller. Nothing suggests that the presence or absence of this information is a function of the type of calling terminal.

Thus, it is readily apparent that nothing in Kari bears any resemblance to the "selectively providing" feature of the claims. The claims recite that the providing of data object retrieval depends on the association of a given subscriber with a network-type terminal. Kari makes no apparent distinction based on what type of terminal is associated with a given subscriber. This is not surprising, since Kari does not describe a system that associates subscribers with terminal types in the first place. Because Kari does not disclose the "selectively providing" feature of the present claims, all of the pending rejections are in error, and should be withdrawn.

Kari does not disclose the features of dependent claims 2-8.

As discussed above, the Office Action's specific findings with regards to the independent claims are in error. The Office Action makes additional erroneous findings with regards to the features of the dependent claims. In several cases, the Office Action provides no support at all for its rejections. In others, the Office Action cites only to figures in Kari that are clearly inapplicable to the recited claim features.

For instance, with respect to claim 2, the Office Action asserts that Kari discloses "providing data retrieval in view of the associated terminal capabilities," citing Kari's column 6 lines 14-19. In fact, the cited portion of Kari discusses a combination of a computer **22** with a telephone **16**, and describes what happens when a service page is not retrieved. Kari simply

states that "if the telephone 14 is equipped with [a] sufficiently large display 16," then a message indicating the failure is displayed on the telephone's display. Thus, Kari at best describes displaying a message in view of a phone's capabilities, but does not disclose or suggest "providing data retrieval in view of the associated terminal capabilities," as recited in claim 2.

Claim 3 recites that the method of claim 1 or 2 further comprises "determining whether a subscriber involved in a first communication event belongs to a second network and, if the subscriber belongs to the second network, then selectively letting the second network provide data object retrieval to the subscriber based on whether the second network provides data object retrieval for network type terminals." The Office Action does not even attempt to support its rejection of this claim, stating only "see rejection for claim 1." Claim 3 clearly recites additional limitations over claim 1, and these limitations are not discussed in the rejection of claim 1. In fact, these limitations are not disclosed or suggested by Kari.

Similarly, claim 4 recites that the method of claim 1 or 2 further comprises "determining whether a subscriber involved in a first communication event belongs to a second network and if the subscriber belongs to the second network, then selectively providing data object retrieval to the subscriber based on whether the second network provides data object retrieval for network type terminals." Again, the Office Action does not even attempt to support its rejection of this claim, stating again "see rejection for claim 1." Claim 4 clearly recites additional limitations over claim 1, and these limitations are not discussed in the rejection of claim 1. In fact, these limitations are not disclosed or suggested by Kari.

Claims 5 and 6 depend from claim 4, and specify that only data objects of a text nature (claim 5) or only data objects of an audio nature (claim 6) are sent to subscribers belonging to the second network. As discussed above for claim 4, Kari does not show any distinctions in treatment for subscribers of a second network. Further, Kari does not show any restriction regarding the type of data objects that are sent to subscribers of a second network (or any

network). Rather, the cited portions of Kari disclose that a service page may contain "text, graphics, or moving pictures," (Kari col. 2, line 20), and that the service page may include "in addition ..., links to other WWW pages, as well as audio and video shots." Rather than suggesting any restriction of content for particular subscribers, the cited portions of Kari actually suggest that a wide variety of content types may be transmitted to subscribers.

Claim 7 specifies some details of the "providing data object retrieval" feature of claim 1, and in particular specifies three operations: "requesting a phone page number service to determine a phone page web server, requesting a data object of the phone page web server, and providing the data object received from the phone page web server to a subscriber involved in a first communication event." The Office Action, without explanation, simply cites Kari's Figure 6, which illustrates a computer display of a person's "homepage." The rejection of claim 7 is clearly without any basis, and is in error for this additional reason.

Similarly, claim 8 specifies that the "providing data object retrieval" feature of claim 1 comprises "requesting a data holder to provide a data object to a subscriber involved in a first communication event." The Office Action inexplicably cites Kari's Figure 4, which illustrates a reference table linking CLIP data to URL information. Accordingly, the Office Action has provided no plausible basis for its rejection of claim 8.

Conclusion

As demonstrated above, Kari fails to disclose most of the features of the pending claims. Several of the rejections are accompanied by no support whatsoever, while others are supported with references to facially unrelated features of the reference. Because the pending rejections are clearly in error, the Applicant requests withdrawal of the rejections and immediate allowance of the claims. Should any obstacles to allowance remain, the undersigned would

appreciate a call from the examiner, to expedite the long-overdue closing of prosecution in this matter.

Respectfully submitted,

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